

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Raoul McKinney,)	
)	C/A No. 9:05-0089-MBS
Plaintiff,)	
)	
vs.)	
)	ORDER
Deloris B. Charlton, Barnwell County)	
Detention Center and Barnwell County,)	
)	
Defendants.)	
)	

Plaintiff Raoul McKinney brought this action pursuant to 42 U.S.C. § 1983, alleging that he was denied medical care while he was housed at the Barnwell County Detention Center in Barnwell, South Carolina.

This matter is before the court on Defendants' motion for summary judgment filed June 7, 2005. By order filed June 8, 2005, pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), Plaintiff was advised of the summary judgment procedure and the possible consequences if he failed to respond adequately. Plaintiff filed no response to Defendants' motion. By order filed July 13, 2005, Plaintiff was given an additional twenty days to file his response to the motion for summary judgment. Plaintiff was advised that if he failed to respond, this action would be dismissed for failure to prosecute.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge George C. Kosko for a Report and Recommendation. The Magistrate Judge filed a Report of Magistrate Judge on August 8, 2005 in which he recommended that the complaint be dismissed pursuant to Rule 41(b), FRCP for failure to prosecute. Plaintiff filed no objections to the Report of Magistrate Judge.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a *de novo* determination of any portions of the Report of Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has reviewed the Report, pleadings, memorandum, and applicable law. The court adopts the Report of Magistrate Judge and incorporates it herein by reference. Accordingly, the case is dismissed *with prejudice* pursuant to Rule 41(b) for failure to prosecute.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

September 12, 2005.

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.